

COMMISSIONERS APPROVAL

GRANDSTAFF *cy*

ROKOSCH

THOMPSON *AT*

CHILCOTT *gc*

DRISCOLL *kd*

PLETTENBERG (Clerk & Recorder)

Date.....February 6, 2008

Members Present.....Commissioner Carlotta Grandstaff,
Commissioner Jim Rokosch, Commissioner Alan Thompson, Commissioner Greg
Chilcott and Commissioner Kathleen Driscoll

Minutes: Glenda Wiles

► The Board met for the following administrative matters:

- **Commissioner Thompson made a motion to approve of the October 2007 minutes with corrections. Commissioner Driscoll seconded the motion and all voted "aye".**
- **Commissioner Chilcott made a motion to approve of the bylaws for the Ravalli County Impact Fee Advisory Committee. Commissioner Thompson seconded the motion and all voted "aye".**
- **Commissioner Chilcott made a motion to pay the balance on an indigent burial for J. Gallegos in the amount of \$225.00 due to the inability of Daly Leach Memorial to obtain any funding from the family. Commissioner Rokosch seconded the motion and all voted "aye". (The first payment was made on November 5, 2008 in the amount of \$1,450.00 with a total invoice presented of \$1,675.00).**
- **Commissioner Chilcott made a motion to approve a 6-month maintenance contract with Johnson Controls. Commissioner Driscoll seconded the motion. Discussion was that this contract length is due to the energy audit that is occurring. Maintenance Supervisor Brian Jameson was present for this discussion and noted after the 6-month period, the County can negotiate for a three-year contract which is usually a cost savings to the county. All voted "aye".**
- **The Board reviewed the bids for the removal of Tree #15 on Fairgrounds Road: Bid #1 from Glenn Reynolds of Northwoods Tree Service in the amount of \$800.00 for cut down and clean up of debris (no stump grinding); and Bid #2 from Asplundh Tree in the amount of \$1,200 for cut down and clean up of debris (no stump grinding). Commissioner Chilcott made a motion to award the bid**

of tree removal and stump grinding in the amount of \$800.00 to Northwoods Tree Service with the proof of licensing and bonding. Commissioner Rokosch seconded the motion. Discussion followed. Commissioner Chilcott stated the Road Department has a stump grinder and there could be a cost savings to the county if road personnel were to grind the stump. After a conversation with Shop Mechanic Phil Chaffin it was determined the county stump grinder would need quite a bit of maintenance to get it up and running and therefore it was cost effective to have Northwoods Tree Service grind the stump for an additional \$350.00. **Commissioner Chilcott amended his motion to award the bid in the total amount of \$1,150.00 to Northwoods Tree Service. Commissioner Driscoll seconded the motion and all voted "aye".**

- The Board addressed the bid received from KC Construction (Earl Jones) for the railings on the store front on Victor Main Street. The bid addressed 90' of railing at a cost of \$2,430.00 and 50' of railing at a cost of \$735.00 as well at \$3,850.00 of additional costs to have the railings match Farmers State Bank. **After discussion, Commissioner Chilcott made a motion to decline the \$3,850.00 bid for the railing to match the bank and to approve of the 90' and 50' railing in the total amount of \$3,165.00. Commissioner Thompson seconded the motion and all voted "aye".**

Skip Rosenthal also explained what the Victor Park Board's concern was in regard to matching the railing from the bank. **Commissioner Chilcott made a motion stating if Victor Park declines the additional \$3,800.00 (to match the bank's railings) then the Commissioners will award the bid less the \$3,800.00. Also included in the bid was the Commissioners want the paint to match both railings. Commissioner Driscoll seconded the motion and all voted "aye"**

- **Commissioner Chilcott made a motion to deposit \$500.00 into the Commissioners General Un-programmed Cost Line Item as well as a letter to Missoula County District Attorney's Office and copied to the Missoula County Commissioners thanking them for their assistance on a recent case Missoula County Attorney's Office assisted Ravalli County in regarding a flood plain issue that resulted in a \$500.00 check being written to the county from Plaintiff Garry Shook. Commissioner Driscoll seconded the motion and all voted "aye".**
- **Commissioner Chilcott made a motion to sign a letter of support to Pantry Partners. Commissioner Driscoll seconded and all voted "aye".**

Minutes Beth Perkins

► The Board met with John Robinson for a power point presentation regarding the Bitterroot Valley Community College.

John gave an introduction of where the cost of education was at in 1965 to present date. He gave an example of one college being \$38,000 per year. He stated in today's world people can't afford it.

John stated the cost per hour for college credit is an average of \$72 per hour at the Bitterroot Valley Community College. He stated about one third of the kids graduate go to the University. 40% of the freshman class are not qualified to attend, therefore they take courses such as remedial math but pay the same amount as the students who are qualified. The community college will do more for the community as in economic development by providing citizens what they need here in the valley. What they need is an endorsement of the college by the Board of County Commissioners.

Commissioner Driscoll stated she had attended three different community colleges; therefore she is pro community college. John stated the Bitterroot Valley Community College would provide certification programs, distance learning, continuing education and several other options.

Victoria Clark stated she is on the Steering Committee for the Bitterroot Valley Community College. She discussed the financial portion of the presentation. The State Legislature needs to carry the resolution to carry the district. The Bitterroot Valley Community College is hoping to open its doors in the fall of 2009. Victoria then reviewed the power point presentation with the Board.

Victoria wrapped up the presentation by closing with the Bitterroot Valley Community College Trustees Elect asking the PEPB Subcommittee to exercise its authority in facilitating the expeditious organization of the Bitterroot Valley Community College District in order that the 40,000 residents of Montana's Bitterroot Valley may secure access to affordable, comprehensive, accountable and committed adult learning services with minimal procedural delay.

Commissioner Driscoll made a motion to draft a letter of endorsement to the Bitterroot Valley Community College. Commissioner Rokosch seconded the motion. Commissioner Chilcott asked about the basis of the projections. Victoria replied they had specific numbers from Darby and Corvallis stating what happens with their graduates. She explained how they figured for growth and they had used the US census numbers for those figures. **All voted 'aye'.**

► The Board met with the Streamside Setback Committee for an update. Present were Committee Members Clay Dethlefsen, Ben Hillicoss, Chris Clancy, Roger DeHaan, Planning Director Karen Hughes and several citizens.

Commissioner Grandstaff called the meeting to order and made an announcement today's meeting is only an update not a decision making meeting.

Clay stated there are three topics for discussion. Chris Clancy will provide a power point presentation, Roger DeHaan will address questions, and then Clay will discuss the work completed by the Streamside Setback Committee and the timeframe.

Chris provided the Board with a presentation regarding the Interim Regulations. He discussed stream buffers and setbacks and what they are. He used Blodgett Creek for an example of channel migration, Sweeney Creek for an example of flooding, and Fred Burr Creek for shed falling into the creek. Chris gave instances of erosion and how it is not always the homes being too close to the streams but the streams coming to the homes.

Chris showed an aerial view of Sweathouse Creek and how it snakes around trees and homes. He discussed what streams the regulations apply to such as perennial, Intermittent, and a stream that dries up due to diversion of water and it does not apply to irrigation ditches. He then discussed the proposed setbacks to Ravalli County streams. He stated Bitterroot River is a Class 1 being 200 feet, East and West Forks are a Class 2 at 150 feet, Large Streams are a Class 3 at 100 feet, Small Streams are a Class 4 at 75 feet and a Class 5 is 50 feet. Chris explained where the distances come from and gave a thumbnail explanation of 50 & 75 feet applying to intermittent and small streams. He stated 100 feet to large tributary streams that are very important fish spawning and rearing areas. He gave an example of the Bitterroot River having a setback of 200 feet. Chris discussed the number of homes near the streams and gave an aerial view of Kootenai Creek and the homes surrounding it.

Chris stated man-made ponds are not affected. The rules apply to ponds and wetlands connected to the setback. Chris then discussed existing structures being grandfathered in, existing subdivisions, removal of vegetation, and irrigation diversions and ditches being exempt. They have tried to exempt agricultural practices but not barns or new barns. He discussed motorized vehicles, weed control, bridges and bank stabilization. Chris stated this regulation has no effect on public access. They have not to date, had any educational meetings. They will have educational meetings in the future for the Streamside Setback Committee and the public.

Roger DeHaan stated the Streamside Setback Committee received frequently asked questions and came up with the answers per interim regulations. They are available on the website and paper copies are available at the Planning Office. It is an education tool.

Clay stated the Streamside Setback Committee efforts are concentrated on the final regulation. It is available at the Planning Office. They have created a subcommittee to coordinate administrative activities such as presentations. The draft for the regulation is on track to meet the July deadline. The subcommittees are working in detail of writing the content of the draft to include the interim regulations. The data collection subcommittee is in the process of collecting the scientific data. Clay took a moment to thank Vanessa Morrell for her hard work.

Commissioner Grandstaff thanked the presenters and staff on behalf of the Board and then opened the floor for Board comment.

Commissioner Rokosch thanked the Streamside Setback Committee and staff members for their efforts. He stated there is a gap between the two regulations of 310 law and floodplains of how to define an active channel. Floodplains are based on elevations and there is a need to stabilize the bank. They can address the riparian function and channels. The liability questions are significant to the County when making decisions to particular developments. Most of our streams are not yet delineated.

Commissioner Driscoll stated she stands with the setbacks and is strongly in favor of them.

Commissioner Thompson stated he sees quite a change from the original draft of the regulation, especially with agriculture. He will go through the recent draft to point out any concerns he has. They need to come up with a set of regulations they all agree with.

Commissioner Grandstaff opened public comment.

David Burry stated he reviewed the draft interim regulations dated February 8th. They will remove private property rights. The setback regulations are to provide new home restrictions on building too close to the streams. These regulations contain restrictions for existing homeowners. He discussed the septic permits being issued for homes being too close to the streams but you can still obtain septic permits for homes in the floodplain. These regulations are too broad based and are left opened for interpretation. He asked if a person who raised game birds for sport is in violation of the regulations. He discussed variances in section 9 are in conflict with those of section 4. He further discussed the remaining sections and their contradictions. The issue of any liability to the County can be elevated with a septic permit. He submitted written comment.

Doug Nation stated last week he participated in a discussion panel. He discussed phostrates and nitrates for the streams, viewing data with others for riparian habitat for wildlife and the presentation by Eddie Olwell for healthy river and tourism. He stated the setbacks are needed. He believes this is the time to enact the Streamside Setbacks. The Committee is a representative of the County. They have done a great job drafting the regulations and he urges the Board to move forward. He believes the data is clear.

Dan Floyd stated the Streamside Setback Committee has done a tremendous job of listening to the public. Placing emergency setbacks will not address the problem. You have to look at the rivers in East and West Fork with conservation easements. If these regulations get enacted as they are, they will take away the incentive for the easements. Something needs to be done to keep the value and the conservation easements. He stated enacting an emergency setback is wrong and it should wait until the regulations are in place.

Doug Soehren stated he lives on the bank of Skalkaho Creek. He is a private property owner with rights and is thinking about tearing down the house he is in due to the shifting. If the setbacks are adopted, he does not know if there will be room to rebuild. He questioned the provision in the regulations for a right to build. He attended workshops to restore the stream and he has a 310 permit to fix it. He supports the setbacks and has information with living there for 20 years.

John Grove stated he lives in Stevensville and owns property along the Bitterroot River. He has lived in Montana for 45 years. He is in support of the setbacks and there should be a minimum of 300 feet. It has a damaging effect on the fisheries and wildlife.

Chris Daniels stated in September, he sent out a mailing to obtain the feelings of people who own property along the streams. The differences of people who oppose the setbacks versus the people who are in favor are huge. He showed the response from the mailing with people being against the setbacks because they believe it imposes on their rights as property owners. He discussed the quality of water in the aquifer being healthy. He asked why more bureaucracy is needed. In 2006, there was not one septic failure noted in the test.

Don Mabry stated he has watched what is going on with Skalkaho Creek. He has watched homes go into the creek. Not only are there personal rights but there needs to be responsibility. Once the water washes it away, you can't get it back. He discussed the effects on the fisheries. He has the right to destroy but it's his choice not to. He stated with the realtors, they want you to destroy the land to drive the cost market. He discussed vendors of fish and game resources losing out because of the destruction. He stated when you tell someone where to build a house; it is not a horrible thing to do. We have an opportunity to do something good here. He is in support of streamside setbacks.

Tom Robak asked how were the existing homes going to be affected and are they going to be grandfathered in the regulations? He stated the Streamside Setback document is a zoning document. The homes are going to be allowed to stay. He pointed out the zoning regulations taking precedence over the setback regulations. He requested Commissioner Driscoll to read a passage of the document. Commissioner Grandstaff stated the document is subject to change. Tom stated the homes existing are not to be grandfathered in but changed to non-conformity. Karen stated the document is in draft and will change. Commissioner Driscoll gave clarification of the two documents. Tom then asked where the Commissioners are with zoning in the existing document. Chris replied the intent is to grandfather the existing homes. Karen replied it is temporary. The final would mesh in with the countywide zoning regulations.

John Schneeberger stated he feels strongly about this issue. He stated he received a pamphlet from the Conservation Society regarding building your home too close to

the streams. He put up riparian fencing to help steward his land. He has had some problems with a subdivision ruining his irrigation system. With the river, there are non-point source contaminants and he feels strongly about seeing the river in this condition. He discussed the property turn over rate and stewardship of the properties. He would like to see more responsible streamside landowners.

Jenny Stoddard stated residents of the county have lost faith in the Commission. She asked if protection of the streams is what is wanted, then why are there no regulations for pollutants? She stated pollutants are number one on the stream contaminant listing for an emergency, not the streamside setbacks. The faith is lost when taking the actions of good stewards with the bad guys for the basis of regulations. She stated they are wasting their energy.

Laurie Riley stated the Water Forum hosted a panel discussion and co-hosted it with Department of Health. She stated at this discussion, Banning Star stated the single most important thing to do in our county right now is to enact streamside setback legislation. She is in favor of the regulations.

Jim Olsen stated his home is about 200 feet back from the river. He would like to thank the Streamside Setback Committee for their hard work and he has seen reaction to crisis. They are ahead of the curve right now and should preserve it. He is in favor of the setbacks.

Lyle Pilon stated this resource does not solely belong to the citizens but they are the stewards of it. People are the problem and can very well be the solution. They need to take action. He discussed not being able to clean surface water, underground sewage and the wildlife migration routes from the Sapphires to the Bitterroots. The information from Fish & Wildlife for the riparian areas is being utilized. They cannot buy super highways for animals. He stated they are positive the animals use the riparian areas and they do affect the streams.

Commissioner Grandstaff thanked everyone for their comments and adjourned the meeting.